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 Southern District of New York
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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

FAHMI KAID AL GAHEIM, individually,	x		
Petitioner,	:		
- v. -	:	<u>ANSWER</u>	
ANDREA QUARANTILLO, officially as District Director, U.S. Citizenship & Services; and U.S. CITIZENSHIP & IMMIGRATION SERVICES,	:	07 Civ. 3066 (DC)	
	:	FILED ELECTRONICALLY	
Defendants.	:		

Defendants Andrea Quarantillo, District Director of the New York District of United States Citizenship and Immigration Services (“CIS”); and the CIS (collectively, “defendants” or “Government”), hereby answer the Petition for Review of Naturalization Denial (“petition”) of petitioner Fahmi Kaid Al Gaheim, individually (“plaintiff” or “Al Gaheim”), upon information and belief, as follows:

1. Neither admit nor deny the allegations in paragraph 1 of the petition because they constitute petitioner’s characterization of this action, prayer for relief, and/or conclusions of law, to which no response is required; and respectfully refer the Court to the statute cited in paragraph 1 for an accurate statement of its provisions.

2. Neither admit nor deny the allegations in paragraph 2 of the petition because they constitute petitioner's characterization of this action, prayer for relief, and/or conclusions of law, to which no response is required; and respectfully refer the Court to the statute cited in paragraph 2 for an accurate statement of its provisions. In further response to the allegations in paragraph 2, defendants aver that: (1) on or about May 8, 2006, petitioner submitted an application ("naturalization application" or "N-400 application") to the CIS, seeking to become a naturalized citizen of the United States, pursuant to §§ 310 and 316 of the Immigration and Nationality Act of 1952, as amended ("INA"), 8 U.S.C. §§ 1421 & 1427; (2) on December 26, 2006, the CIS issued a decision ("December 26, 2006 decision") (copy annexed hereto) denying petitioner's naturalization application; (3) on or about January 16, 2007, petitioner filed a timely administrative appeal of the December 26, 2006 decision in the form of a request for an administrative hearing ("N-336 hearing") before a senior naturalization examiner, pursuant to INA § 336(a), 8 U.S.C. § 1447(a); (4) the CIS conducted an N-336 hearing on April 4, 2007; and (5) the CIS confirmed its initial denial of petitioner's naturalization application in an administratively final decision dated April 4, 2007 ("April 4, 2007 decision") (copy annexed hereto).

3. Neither admit nor deny the allegations in paragraph 3 because they constitute conclusions of law, to which no response is required; and respectfully refer the Court to the statutes cited in paragraph 3 for accurate statements of their provisions.

4. Neither admit nor deny the allegations in paragraph 4 because they constitute petitioner's characterization of this action and/or conclusions of law, to which no response is required; and respectfully refer the Court to the statute cited in paragraph 4 for an accurate statement of its provisions.

5. Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations in paragraph 5 regarding petitioner's place of residence; neither admit nor deny the remaining allegations in paragraph 5 because they constitute conclusions of law, to which no response is required; and respectfully refer the Court to the statute cited in paragraph 5 for an accurate statement of its provisions.

6. Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations in paragraph 6 regarding petitioner's place of residence; and admit the remaining allegations in paragraph 6.

7. Neither admit nor deny the remaining allegations in paragraph 7 because they constitute conclusions of law, to which no response is required.

8. Admit the allegations in paragraph 8.

9. Admit the allegations in paragraph 9.

10. Admit the allegations in paragraph 10.

11. Admit the allegations in paragraph 11.

12. Admit the allegations in paragraph 12.

13. Admit the allegations in paragraph 13.

14. Admit the allegations in paragraph 14

15. Neither admit nor deny the allegations in paragraph 15 because they constitute conclusions of law, to which no response is required.

16. Neither admit nor deny the allegations in paragraph 16 because they constitute plaintiff's characterization of this action, prayer for relief, and/or conclusions of law, to which no

response is required; and respectfully refer the Court to the statutes cited in paragraph 16 for accurate statements of their provisions.

AS AND FOR A FIRST DEFENSE

The administrative decisions issued by the CIS on December 26, 2006, and, upon further review, on April 4, 2007, denying petitioner's naturalization application, were properly issued, were supported by substantial evidence in the record, comported with applicable law, and fell within the ambit of the CIS's broad discretion in naturalization matters.

AS AND FOR A SECOND DEFENSE

Petitioner is ineligible for naturalized citizenship because he cannot demonstrate that he "resided continuously in the United States" during the five years immediately preceding the date he submitted his naturalization application to the CIS, as required by INA § 316(a)(1), 8 U.S.C. § 1427(a)(1).

WHEREFORE, defendants respectfully request that this Court enter judgment dismissing the petition in its entirety, and for such other relief as the Court deems proper.

Dated: New York, New York
June 21, 2007

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